

REMARKS

Claims 1-20 are pending in this application. Claims 1-12 and 20 have been withdrawn from consideration. By this Amendment, claim 13 is amended. Support for the amendment to claim 13 can be found, for example, in Table 1 at page 15 of the instant specification. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §102(e)

The Office Action rejects claims 13, 14 and 16 under 35 U.S.C. §102(e) over U.S. Patent No. 6,099,967 to Takahashi et al. ("Takahashi"). Applicants respectfully traverse the rejection.

Claim 13 recites "[a] process for preparing a thermal transfer recording medium, comprising the steps of: applying a composition for forming a solvent-resistant layer mainly containing a polyester resin and a polyethylene wax on a substrate ... wherein a ratio of the polyester resin to the polyethylene wax in the solvent-resistant layer is from 3:2 to 4:1 parts by weight" (emphasis added). Takahashi does not teach such a process.

The Office Action asserts that the intermediate layer of Takahashi is equivalent to the solvent-resistant layer of claim 13. The Office Action further asserts that Takahashi discloses that its intermediate layer can include a mixture of polyester resin and polyethylene wax. Notwithstanding these assertions, Takahashi does not disclose a process including applying a solvent-resistant layer wherein a ratio of polyester resin to polyethylene wax in the solvent-resistant layer is from 3:2 to 4:1 parts by weight.

Takahashi does not specifically disclose a solvent-resistant layer including polyester resin and a polyethylene wax, much less a solvent-resistant layer in which a polyester resin and a polyethylene wax are present in a ratio of from 3:2 to 4:1 parts by weight. Takahashi only discloses that any of several waxes and thermoplastic resins (e.g., carauba wax,

candelilla, styrene resins, etc.) can be used either alone or in combination. C4/L56-63. While this list does include both polyester resin and polyethylene wax, in no instance does Takahashi disclose that those particular substances should be used together. The only two particular substances disclosed as used together in the intermediate layer of Takahashi are carnauba wax and EVA copolymer. C6/L1-8. Furthermore, when those substances are used together, they are used in a ratio of 1:1 parts by weight. Nowhere does Takahashi disclose a process including applying a solvent-resistant layer wherein a ratio of polyester resin to polyethylene wax in the solvent-resistant layer is from 3:2 to 4:1 parts by weight.

As Takashi fails to disclose applying a solvent-resistant layer wherein a ratio of polyester resin to polyethylene wax in the solvent-resistant layer is from 3:2 to 4:1 parts by weight, Takahashi fails to disclose each and every element of claim 13.

Claim 13 is not anticipated by Takahashi. Claims 14 and 16 depend from claim 13, and thus also are not anticipated by Takahashi. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 15 and 17-19 under 35 U.S.C. §103(a) over Takahashi in view of U.S. Patent No. 6,156,416 to Daems et al. ("Daems"). Applicants respectfully traverse the rejection.

Takahashi is only available as prior art against the present application under 35 U.S.C. §102(e). Takahashi and the present application are commonly owned by Sony Chemicals Corporation. Under 35 U.S.C. §103(c), Takahashi cannot form the basis of a rejection of the claims of this application under 35 U.S.C. §103(a).

Accordingly, the rejection must be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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